IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

Civil Action No. 3:23-cv-870-FDW-SCR

EDWIN SYKES,)
Plaintiff,)
V.)
WELLS FARGO, N.A.,)
Defendant.)
)

ORDER

THIS MATTER comes before the Court upon Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss Plaintiff's Complaint and Compel Arbitration. (Doc. No. 7). According to the Motion, Plaintiff signed a binding arbitration agreement with Defendant during his employment with Defendant, and the claims alleged in the Complaint fall within the scope of the arbitration agreement. Defendant seeks to compel arbitration and dismiss this matter through binding arbitration. Plaintiff filed a Response "acknowledg[ing] the existence of the arbitration agreement referenced in Defendant's Motion to Compel Arbitration and agree[d] to submit this matter to arbitration under the terms of that agreement." (Doc. No. 9).

Although Defendant seeks dismissal of the Complaint, the Court concludes that the better practice, particularly where arbitrability is undisputed, is to compel arbitration and stay this matter. "The Court has discretion to dismiss an action where all the issues raised are arbitrable. The more common practice is to stay the action or those claims pending the outcome of arbitration in order to provide a convenient forum for confirmation of any ensuing arbitration award." Roberts v. Cox Commc'ns Inc., No. 320CV00392-FDW-DSC, 2021 WL 2678198, at *2 (W.D.N.C. May 19, 2021) (citing 9 U.S.C. §§ 3, 9), report and recommendation adopted, No. 320CV00392-FDW-DSC.

DSC, 2021 WL 2673667 (W.D.N.C. June 29, 2021).

The Court makes no determination as to the merits of any of Plaintiff's claims and all

objections and defenses raised by Defendant in its Motion are preserved.

THEREFORE, IT IS HEREBY ORDERED that:

1. Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss Plaintiff's Complaint and

Compel Arbitration. (Doc. No. 7) is **GRANTED IN PART**. Specifically, Defendant's

Motion to Compel Arbitration (Doc. No. 7) is **GRANTED**. The parties are

ORDERED to submit this matter to arbitration in accordance with the Arbitration

Agreement.

2. This matter is **STAYED** pending the outcome of the parties' binding arbitration. See

9 U.S.C. § 3. It is further **ORDERED** that the parties shall file a status report within

90 days of this Order, and each 90 days thereafter, until the conclusion of the

arbitration.

3. Defendant's "Motion to Dismiss" (Doc. No. 7) is administratively **DENIED AS**

MOOT.

4. The Clerk shall send copies of this Order to the parties' counsel and to the Honorable

Frank D. Whitney.

SO ORDERED.

Signed: April 22, 2024

Susan C. Rodriguez

Rading United States Magistrate Judge